

REMARKS

Claims 1-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38 are currently pending in this application.

It is gratefully acknowledged that the Examiner has found allowable subject matter in Claim 4. New Claim 38 has been added. No new matter is presented.

Regarding new Claim 38, this claim is illustrated in FIG. 11. It is respectfully submitted that new Claim 38 is patentable over the art of record.

In the Office Action, the Examiner has rejected Claims 1-3, 5-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25 and 27 under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art (APA) in view of Heikkinen et al. (WO 95/32558) and further in view of Lamoureux et al. (U.S. 6,330,458).

With regard to the rejections of independent Claims 1, 5, 8, and 18 under 35 U.S.C. §103(a) as being unpatentable over the APA in view of Heikkinen et al., and further in view of Lamoureux et al. Heikkinen et al. discloses a method for improving connection quality in a cellular radio system, and a base station; and, Lamoureux et al. discloses intelligent antenna sub-sector switching for time slotted systems.

The Examiner asserts that the APA, i.e., pages 1-10 and FIGs. 1-10, teaches the preambles, a power amplifier for amplifying the radio signal in a transmission period (FIG. 10), and wherein the transmission period and the non-transmission period comprise a sub-frame (FIG. 3), that Heikkinen et al. teaches generating a switching control signal and switching the amplified signal between multiple antennas, and the Lamoureux et al. teaches the switching control signal during a non-transmission period, wherein the non-transmission period is a guard period in each sub-frame for separating the sub-frames, and wherein the guard period is located at the end of

each sub-frame.

Independent Claims 1, 5, 8, and 18 have been amended to recite that the switching is performed during said guard period.

Additionally, it is respectfully submitted that the guard period (GP) in the admitted prior art (APA) is used to separate an uplink transmission from a downlink transmission, and not used for switching antennas.

The GP in the time slot disclosed in Lamoureux is used to prevent the transmission of data, and not used for generating switching control signals and switching antennas during the GP.

Moreover, the APA and Lamoureux fail to disclose switching antennae during the GP.

Thus, the combination of APA, Lamoureux and Heikkinen does not teach or suggest generating switching control signals and switching the first and the second antenna.

Neither APA, Heikkinen et al. nor Lamoureux et al., either alone or in combination, teaches or discloses these features.

Based on at least the foregoing, withdrawal of the rejections of independent Claims 1, 5, 8, and 18 under 35 U.S.C. §103(a) is respectfully requested.

Independent Claims 1, 5, 8 and 18 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2, 3, 6, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2, 3, 6, 7, 11, 12, 14, 15, 17, 21, 22, 24, 25, and 27 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-8, 11, 12, 14, 15, 17, 18, 21, 22, 24, 25, 27 and 38, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Musella", with a stylized flourish extending to the right.

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